substitute.

Tuesday, February 22, 1972

Senate

Chamber Action

Routine Proceedings, pages 4829-4907

Bills Introduced: 12 bills and one resolution were introduced, as follows: S. 3205-3216; and S. Res. 260.

Pages 4832-4833, 4846-4850

Report: Report was made as follows:

"Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971", with additional views (S. Rept. 92–634).

Measures Passed:

Equal employment opportunity: By 73 yeas to 16 nays, Senate passed S. 2515, to further promote equal employment opportunities for American workers, after agreeing to the committee amendment in the nature of a substitute, as amended. Also, by vote of 72 yeas to 17 nays, Senate passed the House companion bill H.R. 1746, after striking out all after the enacting clause and inserting in lieu thereof the provisions of S. 2515, as passed.

Prior to its passage, by 73 yeas to 21 nays, two-thirds of the Senators present and voting having voted in the affirmative, Senate agreed to motion to close further debate on this bill, following which it took action on additional proposed amendments thereto as follows:

Adopted:

(1) Javits amendment No. 850, to establish 10 additional supergrade positions in the EEOC;

(2) Cranston amendment to bring the Library of Congress under provisions of the bill relating to Gov-

ernment employees; and

(3) Modified Javits amendment No. 909, to provide that if designated judge has not assigned case for trial within 120 days after issue has been joined, he may appoint a master pursuant to rule 53 of Federal rules of civil procedure.

Rejected:

(1) Ervin amendment No. 860, removing from bill coverage of employment of teachers or other faculty members of public schools;

(2) By 30 yeas to 60 nays, Ervin amendment No. 907, making prohibition upon preferential treatment applicable to other executive agencies engaged in enforcing equal employment opportunity laws;

(3) By 15 yeas to 70 nays, Ervin amendment No. 844, removing from coverage of the bill employment prac-

tices of all educational institutions; and

(4) By 30 yeas to 56 nays, Ervin amendment No. 908, giving litigants right to demand trial by jury of actions brought under this act or title VII of the Civil Rights Act.

Pages 4907-4949

Federal Reserve Bank branches: Senate took from the calendar, passed without amendment, and cleared for the House S. 3197, to increase the dollar limitation on construction costs of Federal Reserve Bank branch buildings.

Page 4830

Sycamore Canyon Wilderness: Senate agreed to the House amendment and cleared for the President S. 960, to designate Sycamore Canyon Wilderness, the Coconino, Kaibab, and Prescott National Forests, Arizona.

Page 4950

Resolution Indefinitely Postponed: Senate indefinitely postponed further action on S. Res. 177, calling for the shipment of Phantom-4 jets to Israel. Page 4952 Higher Education: Senate took up House substitute amendment to S. 659, proposed omnibus education amendments of 1972, as amended by Senate committee

By unanimous consent, it was agreed that committee substitute amendment will be treated as original text for purpose of further amendment; that debate on any amendment thereto will be limited to 2 hours; that time on any appeal, point of order, or debatable motion will be limited to 30 minutes; that debate on pending motion to concur in the House amendment as amended by committee substitute be limited to not to exceed 6 hours each day through Tuesday, February 29; and that vote on final disposition of the matter shall occur no later than 2 p.m., on Wednesday, March 1.

Vice-Presidential Appointments: Vice President made the following appointments:

Board of Visitors to the U.S. Military Academy: Senators Inouye, Humphrey, Young, and Goldwater;

Board of Visitors to the U.S. Naval Academy: Senators Magnuson, Byrd of Virginia, Pell, and Boggs; and

Board of Visitors to the U.S. Air Force Academy: Senators Pastore, Cannon, Allott, and Stevens.

Page 4950

Record Votes: Six record votes were taken today.

Pages 4912, 4918, 4919, 4920, 4944, 4948

Adjournment: Senate met at 10:30 a.m. and adjourned at 5:37 p.m.

Committee Meetings

TOBACCO EXPORTS

Committee on Agriculture and Forestry: Subcommittee on Agricultural Exports began hearings on implications of policy of the European community on U.S. tobacco exports. Witnesses heard were Senator Cooper; Representatives Fountain and Fuqua; William D. Eberle, Special Representative for Trade Negotiations, Council on International Economic Policy; John D. Palmer, To-

bacco Associates; Frank B. Snodgrass, Burley and Dark Leaf Tobacco Export Association; Malcolm B. Seawell, Tobacco Association of the United States; Horace R. Kornegay, Tobacco Institute; Fred W. Voigt, Georgia Agricultural Commodity Commission for Tobacco; John C. Lynn, Florida Farm Bureau Federation; John M. Berry, Burley Tobacco Growers Cooperative Association; Frank Bryant, North Carolina Farm Bureau Federation; Louis Ison, Kentucky Farm Bureau Federation; Carl T. Hicks, Flue-Cured Tobacco Cooperative Stabilization Corp., Raleigh; Mrs. Harry B. Caldwell, North Carolina State Grange; Fred S. Royster, Bright Belt Warehouse Association, Henderson, N.C.; James A. Graham, North Carolina Department of Agriculture; Archie Davis, Wachovia Bank & Trust Co., Winston-Salem; James Hoffman and J. D. Johnson, both of the Burley Stabilization Corp., Knoxville; Charles G. Rose III, of Fayetteville; and Roy B. Davis, Jr., Virginia Department of Agriculture.

Hearings continue tomorrow.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee continued executive hearings on fiscal year 1973 budget estimates for the Defense Establishment, receiving testimony in behalf of funds for their respective departments from Adm. David H. Bagley, Deputy Chief of Naval Operations for Manpower and Naval Reserve; and Maj. Gen. Edwin B. Wheeler, Assistant Chief of Staff (Manpower and Personnel); Maj. Gen. Alan J. Armstrong, Assistant Chief of Staff (Logistics); and Brig. Gen. Leonard E. Fribourg, Director of the Marine Corps Reserve, all of the Marine Corps.

Hearings continue tomorrow.

APPROPRIATIONS—INTERIOR SUPPLEMENTAL

Committee on Appropriations: Subcommittee held hearings on proposed fiscal year 1972 supplemental appropriations for the Department of the Interior and related agencies, receiving testimony in behalf of funds for their respective departments from Harrison Loesch, Assistant Secretary for Public Land Management, on Trust Territory of the Pacific Islands items; Hollis M. Dole, Assistant Secretary for Mineral Resources, on funds for the Bureau of Mines; Burton W. Silcock, Director, Bureau of Land Management; John O. Crow, Deputy Commissioner, Bureau of Indian Affairs; and George B. Hartzog, Jr., Director, National Park Service, all of the Department of the Interior; Edward P. Cliff, Forest Service, Department of Agriculture; James Bradley, Smithsonian Institution, on funds for the science information exchange program; and Hugh A. Hall, American Revolution Bicentennial Commission.

Hearings were adjourned subject to call.

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MILITARY PROCUREMENT AUTHORIZATIONS

Committee on Armed Services: Committee resumed executive hearings on S. 3108, proposed military procurement authorizations for fiscal year 1973, receiving testimony from Secretary of the Navy John H. Chafee; Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations; and Gen. Robert E. Cushman, Jr., Commandant of the Marine Corps.

Hearings continue tomorrow.

DOLLAR PAR VALUE

Committee on Banking, Housing and Urban Affairs: Committee began hearings on S. 3160, to authorize a change in par value of dollar in International Monetary Fund to the equivalent of \$38 per ounce of gold, receiving testimony from Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs.

Hearings continue tomorrow.

NOMINATION

Committee on Commerce: Committee held hearings on the nomination of Whitney Gillilland, of Iowa, to be a member of the Civil Aeronautics Board, receiving testimony from Senator Miller. The nominee was present to testify and answer questions in his own behalf.

Hearings were adjourned subject to call.

SOCIAL SECURITY AMENDMENTS

Committee on Finance: Committee began executive consideration of H.R. 1, proposed Social Security Amendments of 1972, and announced that it had made the following tentative decisions in connection therewith:

Bonus for retirement. Agreed to House provision increasing social security benefit 1 percent for each year the individual defers retirement past age 65, with an amendment making rule applicable to future benefits received by those who have already retired. House provisions apply only to prospective retirees.

Disability rating period. Agreed to amendment to reduce from 6 months (present law) to 4 months, waiting period before a disabled person may qualify for disability

benefits.

Committee will meet again tomorrow.

REGULATORY AGENCIES' BUDGETS

Committee on Government Operations: Subcommittee on Intergovernmental Relations resumed hearings on S. 448, to provide that appropriation requests of certain regulatory agencies be transmitted directly to the Congress, receiving testimony from Miles W. Kirkpatrick, Chairman, and Paul Rand Dixon, member, both of the Federal Trade Commission.

Hearings continue tomorrow to hear FPC Chairman Nassikas.

COMMITTEE BUSINESS

Committee on Interior and Insular Affairs: Committee, in executive session, ordered favorably reported the following four bills:

S. 2674, disclaiming any U.S. interest in title to 6.95 acres of the Antoine Leroux Land Grant along the Rio

Hondo near Taos, N. Mex.;

S. 2408, extending for 5 years, until April 10, 1977, the life of the Indian Claims Commission (amended);

H.R. 1682, to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif. (amended); and

H.R. 6291, to provide for the disposition of Judgment funds awarded in favor of the Confederated Tribes of

the Colville Reservation.

NOMINATIONS

Committee on the Judiciary: Committee began hearings on the nominations of Richard G. Kleindienst, of Arizona, to be Attorney General, and Louis P. Gray III, of Connecticut, to be Deputy Attorney General, where Senators Fannin and Goldwater introduced Mr. Kleindienst, and Senators Ribicoff and Weicker introduced Mr. Gray. Mr. Kleindienst testified and answered questions in his own behalf.

Hearings continue tomorrow.

NATIONAL CEMETERIES

Committee on Veterans' Affairs: Committee began hearings on S. 2052, to establish a National Cemetery System within the Veterans' Administration; and a series of bills to establish national cemeteries in several States (S. 134, 235, 394, 709, 1933, 1984, 2792, 2983, 2998, 3053, and 3081). Witnesses heard were Charles R. Ford, Chief of Civil Functions, Office of the Under Secretary of the Army; Rufus H. Wilson, Associate Deputy Administrator, Veterans' Administration; Charles E. Mattingly, American Legion; Francis W. Stover, Veterans of Foreign Wars; and Col. Herbert Houston, Veterans of World War I of the U.S.A.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 37 public bills, H.R. 13270–13306; seven private bills, H.R. 13307–13313; and 12 resolutions, H.J. Res. 1071 and 1072, and H. Res. 828–837 were introduced.

Bills Reported: Reports were filed as follows:

H. Res. 828, providing for the consideration of H.R. 11021, Noise Control Act of 1972 (H. Rept. 92-844);

H. Res. 829, providing for the consideration of H.R. 12931, Rural Development Act of 1972 (H. Rept. 92-845); and

H. Res. 819, to create a special committee to investigate campaign expenditures (H. Rept. 92-846). Page 5058

Resignation: Read a letter from Edward O. Craft, wherein he resigns as Legislative Counsel of the House of Representatives. Subsequently, the Speaker appointed Ward M. Hussey to fill the existing vacancy. Page 5021

Late Reports: Committee on Rules received permission to file sundry reports by midnight tonight.

Page 5023

Indians: House insisted on its amendment to S. 671, to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket No. 279-A; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Aspinall, Haley, Melcher, Steiger of Arizona, and Terry.

Consent Calendar: Passed the following bills on the call of the Consent Calendar:

Cleared for the President:

Civil service survivors: S. 2896, defining "adopted child," for civil service survivor annuity purposes.

Sent to the Senate without amendment:

Cooly trade laws: H.R. 213, to repeal the "cooly trade" laws.

Sent to the Senate, amended:

Immigration and naturalization: H.R. 6420, to amend the Immigration and Naturalization Act.

Eligible bill not considered:

Passed over without prejudice: H.J. Res. 893.

Pages 5023-5024

Summons: Read a letter from the Clerk, wherein he received a summons from the U.S. marshal in a civil action filed by Ralph Nader and Public Citizen, Inc. versus several Government officials as defendants, including the Clerk, in civil action file No. 243–72 in the U.S. District Court for the District of Columbia. Page 5024

National Week of Concern for POW/MIA: House passed and cleared for the President S.J. Res. 189, authorizing the President to designate the week beginning March 26 as "National Week of Concern for Prisoners of War/Missing in Action."

Inter-American Development Bank: By a voice vote, the House agreed to the conference report on S. 748, to authorize payment and appropriation of the second and

third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank; clearing the measure for Senate action.

Pages 5026-5028

Asian Development Bank: By a voice vote, the House agreed to the conference report on S. 749, to authorize U.S. contribution to the Special Funds of the Asian Development Bank; clearing the measure for Senate action.

Page 5028

International Development Association: By a voice vote, the House agreed to the conference report on S. 2010, to provide for increased participation by the United States in the International Development Association; clearing the measure for Senate action.

Page 5029

Referral: One Senate-passed bill was referred to the appropriate House committee. Page 5058

Adjournment: Adjourned at 2:38 p.m.

Committee Meetings

CONVEYANCE OF LANDS

Committee on Agriculture: Subcommittee on Department Operations met in executive session and approved for full committee action H.R. 9676 amended, to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

COMMITTEE RESOLUTIONS

Committee on Appropriations: Met in executive session and approved the following committee resolutions:

Resolved, That hereafter during the present session of the Congress, the chairman, after consultation with the ranking minority member, may approve requests from the chairman of a subcommittee to conduct selected hearings on budget estimates in open session; and

A resolution expressing the condolences of the committee to the widow of the late Representative George W. Andrews of Alabama.

AGRICULTURE BUDGET

Committee on Appropriations: Subcommittee on Agriculture-Environmental and Consumer Protection held an open hearing on the Department of Agriculture budget request and heard testimony from Secretary of Agriculture Earl L. Butz.

Hearings continue tomorrow.

MILITARY PROCUREMENT AUTHORIZATION—RESEARCH

Committee on Armed Services: Subcommittee No. 1 met in executive session for continued hearings on title II (research, development, test and evaluation), of H.R. 12604, the military procurement authorization for fiscal

year 1973. Testimony was heard from Assistant Secretary of the Army for Research and Development Robert L. Johnson and Lt. Gen. W. C. Gribble, Jr., Chief of Research and Development, Department of the Army.

Hearings continue tomorrow.

COMMISSARY STORE SYSTEM

Committee on Armed Services: Special Subcommittee on Recruiting and Retention of Military Personnel held a hearing on operation of the commissary store system and its effects on recruiting and retention of military personnel. Testimony was heard from Lt. Gen. Joseph M. Heiser, Jr., USA, Deputy Chief of Staff for Logistics.

MORTGAGE SETTLEMENT COSTS

Committee on Banking and Currency: Subcommittee on Housing began hearings on high settlement costs on residential mortgages with testimony from Secretary of Housing and Urban Development George W. Romney.

Hearings continue tomorrow.

D.C. PUBLIC UTILITIES REIMBURSEMENT ACT—POTOMAC RIVER RESERVOIRS

Committee on the District of Columbia: Subcommittee on Business, Commerce and Fiscal Affairs held hearings on and approved for full committee action the following bills:

A clean bill to be introduced in lieu of H.R. 11782, District of Columbia Public Utilities Reimbursement Act of 1971; and

H.R. 9802, to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries.

Testimony was heard from representatives of Public Utilities of the District of Columbia; D.C. government; and Redevelopment Land Agency.

PEACE IN MIDDLE EAST

Committee on Foreign Affairs: Subcommittee on the Near East held a hearing on approaches to peace in the Middle East. Testimony was heard from Dr. Michael Reisman, Yale University Law School and Dr. Richard Pranger, American Enterprise Institute.

Hearings continue Thursday, February 24.

PROBLEMS OF THE AGING

Committee on Government Operations: Subcommittee on Special Studies resumed hearings on problems of the aging with reference to the Cincinnati nursing home fire. Testimony was heard from Representative Keating; Mayor James E. Lowery, Lincoln Heights, Ohio; Marie Callendar, Special Assistant for Nursing Home Affairs, Office of the Secretary, HEW; Robert Lynch. Ohio

State fire marshal; and Dr. John W. Cashman, director, Ohio Department of Health.

Hearings continue tomorrow.

COMMITTEE BUSINESS

Committee on House Administration: Met in executive session on committee business.

PUBLIC LAND POLICY

Committee on Interior and Insular Affairs: Subcommittee on Environment met in executive session for markup of public land policy and national land use planning legislation and will resume markup on Friday, February 25.

AMTRAK FINANCIAL ASSISTANCE

Committee on Interstate and Foreign Commerce: Met in executive session and ordered reported favorably to the House H.R. 11417 amended, to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment.

JUDICIARY MISCELLANY

Committee on the Judiciary: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 631 and 632, for the relief of the village of River Forest, Ill.;

S.J. Res. 190, to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States;

S. 1975 amended, to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; and

H.R. 2589 amended, to amend section 1869 of title 28, United States Code, with respect to the information required by a jury qualification form.

The committee also acted on private immigration and private claims bills.

FEDERAL HEALTH BENEFITS

Committee on Post Office and Civil Service: Subcommittee on Retirement, Insurance and Health Benefits continued hearings on Federal employees health benefits program. Testimony was received from Representatives Gude and Long of Maryland; Vincent Connery, president, National Association of Internal Revenue Employees; Andrew Ruddock, Director, Bureau of Retirement, Insurance, and Occupational Health, USCSC; and A. E. Fitzgerald, management consultant.

EMPLOYEE BENEFITS

Committee on Post Office and Civil Service: Subcommittee on Employee Benefits concluded hearings on H.R. 12602, to improve the administration of the leave system for Federal employees. Testimony was heard

from Representative Matsunaga; Herman J. Cohen, member of the board, Foreign Service Association; and representatives of employee organizations.

HIGHWAY SAFETY

Committee on Public Works: Subcommittee on Roads continued hearings on highway safety legislation and received testimony from Howard Pyle, president, National Safety Council.

Hearings continue tomorrow.

OMNIBUS RIVER AND HARBOR AND FLOOD CONTROL

Committee on Public Works: Subcommittees on Rivers and Harbors and Flood Control and Internal Development continued joint hearings on pending projects to be considered for inclusion in the omnibus river and harbor and flood control bill of 1972. Testimony was received from Lt. Col. T. W. Nelson; Lt. Col. F. J. Walter; Lt. Col. L. E. McKinney and other Corps of Engineers witnesses.

Hearings continue tomorrow.

RURAL DEVELOPMENT ACT

Committee on Rules: Granted an open rule providing for the consideration of and 2 hours of debate, waiving points of order for failure to comply with clause 4, rule XXI, on H.R. 12931, Rural Development Act of 1972. Testimony was heard from Chairman Poage and Representative Teague of California.

NOISE CONTROL ACT

Committee on Rules: Granted an open rule providing for the consideration of and I hour of debate, waiving points of order for failure to comply with 3-day rule, making the committee substitute in order as an original bill for the purpose of amendment on H.R. 11021, Comprehensive Noise Control Act. Testimony was heard from Chairman Staggers.

CAMPAIGN EXPENDITURES COMMITTEE

Committee on Rules: Ordered reported favorably to the House H. Res. 819, to create a Special Committee to Investigate Campaign Expenditures.

NSF AUTHORIZATION

Committee on Science and Astronautics: Subcommittee on Science, Research and Development began hearings on the National Science Foundation authorization for fiscal year 1973. Testimony was heard from NSF Director H. G. Stever and National Science Board Director H. E. Carter.

Hearings continue tomorrow.

NASA AUTHORIZATION

Committee on Science and Astronautics: Subcommittee on Manned Space Flight continued hearings on the

NASA authorization bill for fiscal year 1973 relating to the Apollo program. Testimony was received from Dr. Petrone, Director, Apollo program.

Hearings continue Thursday, February 24.

NASA AUTHORIZATION

Committee on Science and Astronautics: Subcommittee on Space, Science and Applications continued hearings on H.R. 12824, the NASA authorization bill for fiscal year 1973, and received testimony from Dr. John Naugle, Associate Administrator, NASA.

Hearings continue Thursday, February 24.

REVENUE SHARING

Committee on Ways and Means: Met in executive session for continued consideration of aid for the States, cities, counties, and local governments, including both the President's revenue-sharing proposal and Chairman Mills' alternative thereto, H.R. 11950, and will resume consideration on Thursday, February 24, at 10 a.m.

Joint Committee Meetings

AEC AUTHORIZATIONS

Joint Committee on Atomic Energy: Committee resumed hearings on proposed fiscal year 1973 authorizations for activities of the Atomic Energy Commission, receiving testimony on civilian nuclear power programs from Milton Shaw, Director, Division of Reactor Development and Technology, AEC.

Hearings continue tomorrow.

ECONOMIC REPORT

Joint Economic Committee: Committee resumed its annual hearings to review the President's economic report and his proposed budget for fiscal year 1973, receiving testimony from Secretary of Commerce Peter G. Peterson; Edward M. Bernstein, EMB, Ltd., Washington, D.C.; and Prof. Robert Triffin, department of economics, Yale University.

Hearings continue tomorrow.

APPROPRIATIONS—FOREIGN AID

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 12067, making appropriations for foreign-aid programs for fiscal year 1972. As agreed upon by the conferees, the bill would appropriate a total of approximately \$3.2 billion. The Senate- and House-passed figures were \$3.076 and \$3.003 billion, respectively.

Wednesday, February 23, 1972

Senate

Chamber Action

Routine Proceedings, pages 5111-5166

Bills Introduced: 10 bills and two resolutions were introduced, as follows: S. 3217-3226; and S. Res. 261 and 262.

Pages 5111, 5120

Bills Reported: Reports were made as follows:

H.R. 1824, 2828, 2846, 4497, 4779, 6998, and 7871, private bills (S. Repts. 92-635 to 92-641).

Bills Referred: H.R. 6420, immigration bill and H.R. 213, to repeal the "cooly trade" laws, were referred to Committee on the Judiciary.

Poge 5169

Measures Passed:

Minority assignments to committees: Senate agreed to S. Res. 261, making committee assignment changes for certain members of the minority, as follows:

Senator Buckley off of Aeronautical and Space Sciences, and on Interior and Insular Affairs:

Senator Cook off of Veterans' Affairs;

Senator Hatfield off of Commerce and on Appropriations;

Senator Percy off of Appropriations and on Foreign Relations;

Senator Mundt off of Appropriations and Foreign Relations, and on Aeronautical and Space Sciences and Public Works:

Senator Saxbe off of Small Business, and on Veterans' Affairs;

Senator Stevens off of Interior and Insular Affairs and Rules and Administration, and on Appropriations; and

Senator Weicker off of Public Works, and on Commerce; and

Providing further that the following Senators shall constitute minority party's membership on:

(1) Government Operations—Senators Percy, Javits, Gurney, Mathias, Saxbe, Roth, Brock, and Mundt; and

(2) Rules and Administration—Senators Cook, Cooper, Scott, and Griffin; and

Minority assignment to committee: S. Res. 262, excusing Senator Weicker from service on Committee on the District of Columbia, and assigning him to service on Select Committee on Small Business.

Page 5111

Higher Education: Senate continued consideration of the House substitute amendment to S. 659, proposed omnibus education amendments of 1972, as amended by Senate committee substitute.